

ST THOMAS MORE

Suspension and Permanent exclusion Policy.



HEADTEACHER: Mr M Bonner

POLICY DATE

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| Approved by: | Chair of the Local Academy Committee |
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Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Local Academy Committee, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

Good behaviour in school is essential to ensure that all students benefit from the opportunities provided by education. Therefore, STM recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools to be used to establish high standards of behaviour in school and maintain the safety of the school community.

For the vast majority of students, suspensions and permanent exclusions may not be necessary, as other strategies can be used to manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other students and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

Legislation and statutory guidance

The principal legislation to which this guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education Act 1996; and
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014.

The decision to suspend or exclude

The following information will be used to decide when to suspend or exclude a student:

- Only the Headteacher can suspend or permanently exclude a student on disciplinary grounds. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
- A student's behaviour outside school can be considered grounds for a suspension or permanent exclusion
- When establishing the facts in relation to a suspension or permanent exclusion decision the Headteacher will apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher will accept that something happened if it is more likely that it happened than that it did not happen.
- Where possible, the Headteacher will also take the student's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. The student may be informed about how their views have been factored into any decision made. Where relevant, the student will be given support to express their view.
- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked

- Allow the student to give their version of events (where possible)
- Consider if the student has special educational needs (SEN)

We are committed to following all statutory suspension procedures to ensure that every child receives an education in a safe and caring environment.

A decision to suspend/exclude a student will be taken only:

- In response to a serious or persistent breaches of the school's Behaviour Policy, and
- If allowing the student to remain in school would seriously harm the education or welfare of others

Reasons and recording suspensions or exclusion

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's Behaviour Policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.

Definition

- Use of the term suspend in this guidance is a reference to what is described in the legislation as an exclusion for a fixed period.
- For the purposes of suspensions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.
- A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

Off-rolling and unlawful exclusions

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student"

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

The school actively discourages Elective Home Education as a strategy to avoid exclusions. If a request is made by parents, the school will make it clear to parents in writing and work closely to support them in keeping their child in school.

Roles and responsibilities

The Headteacher

Informing parents

The Headteacher will immediately provide the following information, in writing, to the parents of an excluded student:

- The reason(s) for the suspension/exclusion
- The length of a fixed-term suspension/exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension/exclusion to the Local Academy Committee and how the student may be involved in this
- Where there is a legal requirement for the Local Academy Committee to consider the suspension or permanent exclusion, that parents or a student if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information above will be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can also be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

Where a suspended or permanently excluded student is of compulsory school age the Headteacher will notify the student's parents of the days on which they must ensure that the student is not present in a public place at any time during school hours.

These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The Headteacher will notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

If alternative provision is being arranged, parents will be contacted and notified of the following:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day

Where the information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Local Academy Committee and Local Authority

The Headteacher will immediately notify the local authority (LA) of:

- All school exclusions regardless of the length of the exclusion
- For a permanent exclusion, if the student lives outside the local authority area in which the school is located, the Headteacher will also notify the student's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The Headteacher will also inform the Local Academy Committee once per term of any other suspensions of which they have not previously been notified
- Exclusions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

The Headteacher will notify the Local Academy Committee of:

- Any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the student);
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- Any suspension or permanent exclusion which would result in the student missing a public examination or national curriculum test

For all other exclusions, the Headteacher will notify the Local Academy Committee once a term.

The Local Academy Committee

Responsibilities regarding exclusions is delegated to the Behaviour Committee consisting of at least 3 members of the Local Academy Committee.

The Behaviour Committee has a duty to consider the reinstatement of an excluded student.

For a fixed-period suspension of more than 5 school days, the Local Academy Committee will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

The Local Authority (LA)

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Considering the reinstatement of a student

The Local Academy Committee will consider and decide on the reinstatement of a suspended or permanently excluded student within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the student's total number of school days out of school to more than 15 in a term; or
- it would result in the student missing a public examination or national curriculum test.

If requested to do so by parents, the Behaviour Committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or permanent exclusion would result in a student missing a public examination or national curriculum test, the Local Academy Committee, so far as is reasonably practicable, will consider and decide on the suspension or permanent exclusion before the date of the examination or test.

The following parties must be invited to a meeting of the Local Academy Committee and allowed to make representations or share information:

- parents (and, where requested, a representative or friend).
- the student if they are 18 years or over.
- the Headteacher.
- the child's social worker if the student has one.
- the Virtual School if the child is a looked after child

The Local Academy Committee will make reasonable endeavours to arrange the meeting within the statutory time limits set out above and will try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The behaviour committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the Behaviour Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered, kept. The outcome will also be recorded on the student's educational record.

The Behaviour Committee will notify, in writing, the Headteacher, parents and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Behaviour Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The exclusion is permanent
 - It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term
 - It would result in a student missing a public examination or national curriculum test
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

An independent review

If parents apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by behaviour committee of its decision to not reinstate a student.

School registers

Where alternative provision has been made for an excluded student and they attend it, code B (education off- site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

During Suspension

It is important that during a suspension, students still receive their education. St Thomas More Catholic School will take steps to ensure that work is set and marked for students during the first five school days of a suspension. This may include utilising any online pathways such as Teams or Oak National Academy.

Types of Suspension

A suspension can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a Local Academy Committee meeting is triggered.

Returning from a fixed-term suspension

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a fixed-term exclusion:

- Agreeing to a behaviour plan (PSP)
- Receiving mentoring
- Monitoring (ClassCharts report)
- Spending time in the Isolation
- Off-site Direction (OSD)

Monitoring arrangements

The Assistant Head for Behaviour monitors the number of exclusions every term and reports back to the headteacher via the Pastoral group. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Assistant Head for Behaviour every two years. At every review, the policy will be shared with the Local Academy Committee.

Links with other policies

This exclusions policy is linked to our:

- Behaviour for Learning policy
- SEND policy

Signed:

Print Name:

Date:

September 2024